

Members of the General Assembly/Members of the Judiciary Committee of the  
Legislature

300 Capitol Avenue

Hartford, CT 06106

January 10, 2013

Dear Members of the General Assembly/Judiciary Committee of the Legislature:

In 1789, the American patriot, John Philpot Curran, wrote these words of admonition concerning the young democracy: "Eternal vigilance is the price of freedom."

On February 8, 2012, the first day of the Legislative Session of the General Assembly of 2012, a letter was delivered to the mail department highlighting a number of suggestions to the members of the General Assembly with a reprimand:

"Connecticut General Statute 51-14 (b) requires hearings to be conducted by the legislature concerning the Connecticut Practice Book to be scheduled."

For the last 43 years, the legislative judiciary committee has failed to conduct public hearings required by this law. Furthermore, the C.G.S. 51-14 (a) states in clear and unambiguous language:

"Such rules shall not abridge, enlarge or modify any substantive rights or the jurisdiction of the courts."

This letter provides yet another stern reprimand to the legislature to properly ensure that the freedoms provided in the Constitution of the United States are properly preserved: including the rights to air our grievances to our government.

The fact is this: there are 45 members of the legislative judiciary committee. For the last 43 years, the citizens of the State of Connecticut have been ignored in their testimony delivered at the legislative office building regarding the confirmation and reconfirmation hearings of the judiciary.

Since the legislature investigated Supreme Court Chief Justice William Sullivan in 2006 for withholding the release of an opinion which was controversial enough to result in the censure of the Chief Justice of the Supreme Court by the Judicial Review Council, the legislative judiciary committee has engaged in utilizing this judiciary scandal in 2006 to increase the power base of the co-Chairs of the judiciary committee.

The controversial opinion which was withheld was a case involving the Freedom of Information Act and its application to certain functions of the judiciary.

Supreme Court Justice Peter Zarella was in 2006 in the middle of legislative confirmation hearings to become the next Chief Justice of the Supreme Court. Because of Chief Justice Sullivan's actions to withhold the release of this controversial opinion, Supreme Court Justice David Borden became a "whistleblower" on the withholding of this controversial opinion involving the access to judicial records.

Justice Zarella withdrew his name from nomination as the next Supreme Court Chief Justice.

One of those co-Chairs of the judiciary committee of the legislature (former Senator Andrew McDonald) was an aggressive critic of Chief Justice Sullivan, and sought the subpoena of the Chief Justice to testify before the General Assembly.

Now former Senator Andrew McDonald has now been nominated to one of the open positions on the Supreme Court after McDonald brokered a behind the scenes deal with Justice Peter Zarella to start conducting clandestine meeting between chosen members of the legislative judiciary committee and members of the Rules Committee of the judiciary who has final approval of modifications in the Connecticut Practice Book Rules.

Please oppose this nomination of Senator Andrew McDonald.

The records of the annual judges meeting of June 21, 2007 indicate that when Senator McDonald was the Chair of the Judiciary Committee he started conducting non-public semi-annual meetings with the members of the Rules Committee of the State, which was chaired by Justice Peter Zarella.

Instead of conducting "hearings" and "public hearings" on the proposed modifications and addition of Connecticut Practice Book Rules, then Senator Andrew McDonald, and co-chair of the legislative judiciary committee, conducted clandestine meetings members of the Rules Committee.

Page 32 of the minutes to the annual judges meeting of June 21, 2007, captures Justice Zarella sending an email to the judges of the Superior Court the week before the annual meeting seeking the adoption of an unpublished "resolution" which would endorse the non-public meetings between the judiciary's Rules Committee and "select" number of lawyers who sit on the legislative judiciary committee.

The result of these meetings was the continued circumvention of C.G.S. 51-14 and the mandates for "hearings" to be and "public hearings" by members of the Rules Committee.

After I spoke at a "live broadcast" on CT-N at a public hearing of the legislative judiciary committee on February 17, 2012 regarding judicial confirmations, concerning the issue of the violations of the separation of powers of government, five days later, when delivering testimony concerning the "controversial" appointment of Attorney Maureen Murphy to the bench, I became the first person in the history of the Connecticut Legislature to be arrested for "interfering" with the General Assembly.

On February 22, 2012, there were three citizens who spoke in opposition to Attorney Murphy. I was one of them. Both of the other citizens who spoke that day, were allowed to address their concerns and spoke longer than I did.

Yet, I was the only person arrested for airing my grievances to my government.

An audio tape of the judiciary committee hearing of February 22, 2012, captures me reading the following paragraph from Patrick Henry's address on March 23, 1775:

"This is no time for ceremony. The question before the House is one of awful moment for this country. For my own part, I consider it as nothing less than a question of freedom or slavery and in proportion to the magnitude of the subject ought to be the freedom of debate. It is only in this way that we can hope to arrive at truth, and fulfill the great responsibility which we hold to God and our country. Should I keep back my opinion at such a time, for fear of giving offense, I should consider myself as guilty of treason towards my country and of an act of disloyalty towards the majesty of heaven, which I revere above all earthly kings."

Within three minutes of reading these inspiring words of courage (spoken by Patrick Henry's own words just before he orated his better remembered phrase in the same speech "Give me Liberty or Give me Death"), I was arrested by the Capitol Police for interference with the General Assembly.

Something is significantly wrong in the legislature if "whistleblowers" who come to the General Assembly to address the lack of access of due process and equal protection of citizen rights for public hearings, can be snuffed out by lawyers sitting on the judiciary committee, who have failed to conduct public hearings on the Connecticut Practice Book Rules for the last 43 years.

Again, as you enter into this legislative session, this group of 187 legislators just took a "solemn duty" to first support the Constitution of the United States and its principles embodied in its Amendments which are grounded in the ability for any citizen to "air their grievances" to their government, without fear of reprisals.

It has become abundantly clear, that the representatives of the State of Connecticut, who sit on the judiciary committee of the Connecticut General Assembly, who have sat

on this committee for extended terms, are among the most corrupt politicians to have ever served a constituency in this country.

In the course of the legislative judiciary review of candidates and re-appointments, there has never been a vote by nine lawyers who opposed Attorney Murphy's candidacy.

The longest standing members of this committee, who are licensed attorney's to practice law are more concerned about the success of their legal practices when they are in session and out of session, where they make the greatest proportions of their incomes, and have "sold their souls" to the judges by granting "power and jurisdiction" expansions for their own pecuniary benefit by meeting privately with members of the Rules Committee (all of whom are judges of the Superior Court, Appellate Court or Supreme Court) regarding the Practice Book Rules since June 21, 2007.

**Since 1969, the lawyers who have been members of the judiciary committee of the legislature ceded the power and authority which is solely that of the legislature's to ensure that the Connecticut Practice Book rules "shall not abridge, enlarge or modify any substantive rights or the jurisdiction of any of the courts."**

Instead of protecting their constituencies from the ability of judges to engage in self-empowerment through the Connecticut Practice Book Rules (and not legislation as required by Article XX of the Constitution of the State of Connecticut), these lawyers turned legislators instead compromised their fiduciary duties to their constituents and "sold their souls" for profit by giving judges in the State of Connecticut the ability to acquire and maintain powers which the signers of the Constitution of the United States and the Constitution of the State of Connecticut never intended.

The twenty four lawyers who sat in 2012 on the judiciary committee of the legislature, in their avarice and greed to build their legal practices, engaged in conduct which was "wanton", "reckless" or "malicious" which is prohibited by C.G.S. 4-165.

Accordingly, after spending over two years utilizing the Freedom of Information Act to acquire the letters inviting specific members of the judiciary committee of the legislature into clandestine meetings in the Attorney's Conference Room adjacent to the Supreme Court Chambers, it became abundantly clear what the mission of the lawyers who were hand selected by the Co-Chairs of the Judiciary Committee—protect their personal income by empowering judges with unprecedented powers.

The Connecticut Practice Book is 674 pages of rules of self-empowerment, providing "judicial discretion" for judges to do whatever they want—whether constitutional or not.

So, on January 4, 2013, in a blistering expose of judicial corruption, the "State of Connecticut" was sued in federal court for the abuse of administrative authority of the Family Commission, the Advisory Committee for Appellate Rules and the Rules Committee of the judiciary. The case has been docketed as 3:12cv16 and has been reassigned to the jurisdiction of The Honorable Janet B. Arterton.

The corruption in the legislative judiciary committee and the judiciary of the State of Connecticut is captured in my federal complaint, seeking damages for the failings of these "public officials" for conduct which was "wanton", "reckless" or "malicious" abuses of administrative authority.

The new legislature has many challenges, many due to the lack of fiscal responsibilities of the public officials in Connecticut who continue to operate in dual roles as lawyers, who protect their professional practices long before they put the issues of their constituencies first.

While this communication may seem harsh to those who are in the "legal establishment of the legislature", it is nothing more than enlightening to those of us who have suffered egregious damages to the integrity of our family lives and income, by those who have glorified themselves economically and used their constituencies and the citizens of the State of Connecticut as "legal sacrificial lambs."

However, as citizens we will litigate this use of unconstitutional authority in federal court, until this legislature conducts its business consistent with C.G.S. 51-14 (a).

For those of who are new to the legislative judiciary committee, we trust that you read your emails and will properly respect your constituency.

Inasmuch as Attorney Thomas O'Dea has been elected as another lawyer turned legislature, and has been appointed as a member of the legislative judiciary committee, I look forward to watching CTN tomorrow in hopes to see whether a single member of the judiciary committee will ask former Senator Andrew McDonald about the clandestine meetings he and the leadership of the legislative judiciary committee were holding and thereby circumvented the rights of citizens to have "hearings" conducted on the Connecticut Practice Book Rules and "public hearings" to have been conducted by the Rules Committee—which were never held except "behind closed doors."

Cordially,

Michael Nowacki

Private Attorney General

State of Connecticut

319 Lost District Drive

New Canaan, CT 06840

[mnowacki@aol.com](mailto:mnowacki@aol.com)

(203) 273-4296 (cell)

(203) 966-6474 (home and fax, call first)

cc: Senator Brendan Sharkey